

DISSENTING VIEWS

HR 4200

We oppose HR 4200. This unnecessary legislation eliminates requirements of critical conservation and public participation laws, allows for road building in inventoried roadless areas, and disregards the body of peer-reviewed science on the harmful effects of salvage logging.

The sponsors' underlying rationale for this legislation is that there is a dire need for environmental exemptions for timber salvage on federal lands following a catastrophic event. To the contrary, we believe that existing authorities are wholly adequate, making HR 4200 unnecessary. The Forest Service and Bureau of Land Management have access to a variety of existing authorities for timber salvage including authorities provided for under the Healthy Forests Restoration Act of 2003, a categorical exclusion for timber salvage of 250 acres or less, and alternative arrangements for emergency actions with the White House Council on Environmental Quality.

HR 4200 proponents claim that timber salvage on public lands is taking too long, leaving an abundance of timber salvage going to waste on federal lands, and offers HR 4200 as a solution. However, in 2005, 35 percent of the logging volume on our National Forests came from timber salvage, all completed with existing authorities. Secondly, the authorities provided for under the Healthy Forests Restoration Act have allowed the Forest Service to quickly complete one of the largest timber salvage projects in their history, 676 million board feet, for those National Forests on the gulf coast impacted by Hurricane Katrina in 2005. Third, for situations involving threats to life and property, the Forest Service and Bureau of Land Management may request alternative arrangements with the Council on Environmental Quality, and to date not one Forest Service request has been denied.

The unnecessary environmental exemptions provided for in HR 4200 come at the expense of critical laws such as the National Environmental Policy Act (NEPA), the Endangered Species Act (ESA), the Clean Water Act, and the National Historic Preservation Act. Should Congress approve HR 4200, the result would be a weakening of existing laws meant to protect public participation and provide for environmental protections. The practices in HR 4200 are deemed to meet requirements of Section 102 of NEPA, widely regarded as the heart of the NEPA process. HR 4200 would also grant the Forest Service an incidental take permit notwithstanding the impacts the salvage logging may cause to listed, threatened, and endangered species and their habitat. Furthermore, HR 4200 bypasses requirements for consultation under the National Historic Preservation Act and the Clean Water Act.

Bill proponents argue that it is necessary to allow temporary road building for timber salvage projects in HR 4200. However, inventoried roadless areas are not excluded from HR 4200. Should Congress approve HR 4200, roads will be built in inventoried roadless areas. While bill proponents claim these roads will be temporary and obliterated upon project completion to the extent practicable, the Forest Service currently has an estimated \$10 billion

road maintenance backlog that has been growing exponentially.

The categories of lands excluded from the practices of HR 4200 are woefully inadequate as they solely include wilderness areas and national monuments, and ignore a variety of other categories of valued public lands. Not only are inventoried roadless areas not excluded from the damaging salvage logging practices of HR 4200, but neither are wilderness study areas, lands recommended for wilderness by the President, national recreation areas, or national conservation areas.

Supporters of HR 4200 argue that salvage logging is necessary to recover and restore a forest after a catastrophic event. This argument, however, is not supported by the majority of peer-reviewed science on this issue. A peer-reviewed study by Dan Donato *et al* published in January 2006 in the journal *Science* concluded that logging in the wake of the 2002 Biscuit Fire in Oregon decreased forest regeneration by 71 percent and increased short-term fire risk. This study adds to a substantial list of peer-reviewed science that concludes that salvage logging is contrary to the goal of improving forest health. 169 scientists from around the country submitted a letter to Congress opposing HR 4200, as salvage logging has been found to impede forest regeneration, damage riparian corridors, introduce or spread invasive species, cause erosion, and degrade water quality.

DEMOCRATIC AMENDMENTS

Democratic Members offered the following amendments to HR 4200 at the Resources Committee markup on Wednesday, March 29, 2006. All of the amendments offered by those Democratic members expressing concerns with HR 4200 were rejected and HR 4200 was approved by a vote of 25 to 13, with 13 Democratic members voting no.

- 1) Nick Rahall Amendment—Strikes bypass of Endangered Species Act.
- 2) Nick Rahall Amendment—Strikes bypass of National Historic Preservation Act and Clean Water Act.
- 3) Tom Udall Amendment— Requires that the Secretary certify that a salvage logging project will not increase fire risk or decrease forest regeneration before it can move forward.
- 4) Tom Udall Amendment— Strikes NEPA waivers.
- 5) Peter DeFazio Amendments—Limits HR 4200 authorities to those federal lands designated for timber production, requires Forest Plans be amended in order for pre-approved management practices to be applicable, and sets standards for snag retention.
- 6) Jay Inslee Amendments— Excludes inventoried roadless areas from HR 4200, and

requires that 50 percent of the funding derived from HR 4200 be directed towards paying down the Forest Service road maintenance backlog.


7) Mark Udall Amendment—Expands the categories of land exempted from HR 4200 to include wilderness study areas, lands recommended for wilderness by the President, national recreation areas, and national conservation areas.

Proponents of HR 4200 contend that the environmental exemptions provided for in the legislation are necessary, but do so with an overwhelming amount of agency discretion. The terms “in a form deemed appropriate by the Secretary” and “to the extent practicable” are throughout the legislation. For example, while bill supporters claim this legislation promotes research, the research section of HR 4200 is discretionary. Because major changes in agency policy are contained in HR 4200, Congress should be more prescriptive. This discretion will do nothing to alleviate the problem of unnecessary political intervention as seen in the aftermath of the 2002 Biscuit Fire in Oregon.

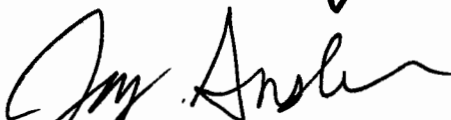
HR 4200 does not authorize funds to carry out the practices of HR 4200, and instead directs the Forest Service and Bureau of Land Management into an all too familiar situation of using limited existing funds to pay for sweeping changes in agency policy. These existing funds include Knutson-Vandenberg Funds, Forest Service Salvage Sale Funds, and BLM revolving funds derived from disposal of salvage timber. Moreover, salvage sales frequently cost the land management agencies more to administer than they produce in revenues, resulting in significant taxpayer subsidies.

HR 4200 is unnecessary legislation with significant negative consequences. We urge its defeat.


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